

REMARKS

Claims 1, 4, 5 and 8-10 are pending in the above-identified application. Claim 2 has been inserted into claim 1. Otherwise, most of the pending claims have been amended in order to address clarity issues. It is submitted that all of the presently pending claims find full support in the original disclosure of the present application.

Issues Under 35 U.S.C. 112, First Paragraph

Claims 4 and 8 have been rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. It appears that the Patent Examiner takes the position that claim 4 incorrectly includes positive process steps when referring to the complex elastic modulus properties of the tread and sheet. Claim 4 has been amended so as to conform with a traditional method-type patent claim format. Claim 8 has also been amended. It is submitted that claims 4 and 8 comply with all enablement requirements such that the above-noted rejection should be withdrawn.

Issues Under 35 U.S.C. 112, Second Paragraph

Claims 1-10 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. The Patent Examiner suggests several changes to claims 1-3, and indicates several objections to the format of claims 4, 8 and 9. Claims 1, 4, 5 and 8-10 have been amended taking into consideration the suggestions provided by the Patent Examiner and further addressing other language clarity issues. It is submitted that all of the presently pending claims comply with all definiteness requirements such that the above-noted rejection should be withdrawn.

Issues Under 35 U.S.C. 103(a) and 102(b)

Claims 1-10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of JP '718 (Japanese Patent Application 2001-138718), JP '034 (Japanese Patent Application 60-219034), JP '842 (Japanese Patent Application 2002-210842), JP '396 (Japanese Patent Application 2001-310396), EP '446 (European Patent Application 1 072 446), Goettler '591 (USP 4,056,591) and Tajima '487 (USP 5,429,487). Also, claim 5 has been rejected as being anticipated under 35 U.S.C. 102(b) by EP '446.

The above-noted rejections are traversed for the following reasons.

Present Invention and Its Advantages

The present invention is directed to a process for preparing a studless tire having a tread formed of a rubber sheet, wherein: [1] the rubber sheet satisfies the complex elastic modulus properties recited in claim 1 or claim 4; and [2] the rubber sheet is formed by laminating pieces obtained by cutting a tube. The present invention also encompasses products formed by processes having the above-noted features [1] and [2].

The process and product of the present invention provide for advantageous properties as evidenced by the comparative test results summarized in the present specification. Note, for example, that Comparative Example 8 exhibits inferior ice performance properties and abrasion resistance properties when compared to Examples 3-5 as shown in Table 2 of page 26 of the present specification. Despite the fact that Comparative Example 8 was formed using the tube perform process of the present invention, because the complex elastic modulus properties fail to satisfy those of the present invention, the advantageous properties exhibited by Examples 3-5

(present invention) cannot be attained. This provides objective evidence supporting the fact that the process of the present invention produces a tire exhibiting advantageous properties related to the complex elastic modulus feature [1] recited in the present claims.

A second source of evidence supporting the patentability of the claims of the present application is evident from a review of Comparative Example 5 in Table 2 wherein the conventional extrusion method was used, rather than the tube perform process of the present invention. Comparative Example 5 exhibits inferior ice performance and abrasion resistance properties when compared to Examples 3-5 (present invention) which employ the tube perform process of feature [2] of the present invention.

Distinctions over Cited References

All of the above-cited references fail to disclose or suggest either the complex elastic modulus feature [1] or the tube perform process feature [2] of the present invention. All of these references also fail to disclose or recognize the advantageous properties obtained employing these features [1] and [2] as evidenced by the comparative test result evidence discussed above. Consequently, significant patentable distinctions exist between the present invention and all of these cited references such that all of the above-noted rejections should be withdrawn.

It is submitted for the reasons stated above that the present claims define patentable subject matter such that this application should now be placed condition for allowance.

If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

Application No.: 10/607,269

Docket No.: 1403-0252P

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 02-2448, under Order No. 1403-0252P from which the undersigned is authorized to draw.

Dated: June 14, 2005

Respectfully submitted,

By 

Andrew D. Meikle

Registration No.: 32,868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant